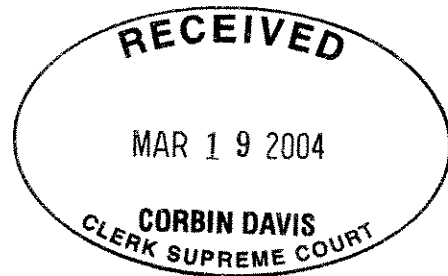


Mr. Todd Kelly-Bey
Mound Correctional Facility
17601 Mound Road.
Detroit, Michigan 48212

March 15th, 2004

Supreme Court Clerk
P.O. Box 30052
Lansing, Michigan 48909

Re: 6.500 Proposed Amendments
ADM File No. 2003-04



Dear Supreme Court Clerk:

I am writing in concern of the proposed amendments to the Michigan Court Rules 6.500. As a prisoner litigant in pro se the following proposed amendments raise considerate concerns with myself and my colleagues:

RULE 6.502. MOTION FOR RELIEF FROM JUDGMENT. (Sec. C):

The proposed (25) page limit is too restrictive for pro se litigants who may have several claims to present. This limitation will often result in the prisoner having to abandon issues which may or may not be the deciding factor in determining the cumulative effect of combined errors at trial. Considering the 6.500 Motion is the last avenue a Pro se litigant's has to present constitutional claims, due to the States interest in finality, such a limitation would impede and abridge the prisoners right to present all his/her claims, which the court encourages. It would result in a violation of due process, notwithstanding it is difficult enough for the pro se litigant to file a (50) page brief, as it stands currently.

RULE 6.502 (G) Successive Motions.

The exclusion of this subrule is highly damaging and prejudicial to a pro se litigant because a 6.500 Motion is the last available remedy to challenge the constitutionality of his/her convictions. Due process is violated when the court precludes one who's life and liberty has been taken unjustly, to be left without any recourse after filing an unsuccessful motion for relief from judgment, due to the pro se litigant being unlearned and without counsel, attempting to overcome his conviction and sentence. To deprive the litigant of a successive motion based upon

a retroactive change in law or newly discovered evidence is unjust and an affront to the sound maintenance of justice.

To exclude such a rule would leave one who is innocent of the charges against him no legal redress of issues lost due to circumstances beyond the pro se litigants control. The court fails to consider that the law is intimidating to one who has no formal training and an education below the 8th grade. Even a pro se litigant with a higher education would find Michigan law intimidating. Oftentimes, trained lawyers are dismayed by the subtle nuances of the court rules and prevailing law and its multitudinous interpretations.

Furthermore, there is an institutional controversy where judges themselves disagree with the end result of a majority decision. The pro se litigant has the daunting task of sifting through all the dictum; the ineffective assistance of court appointed counsel; and is held to the stringent standards of those who have been formally trained in law schools.

For the above stated reasons we ask the court to consider the fact that pro se litigants usually find filing deadlines and court rules awkward and challenging on its face, and simply do the very best they can to file a brief which presents issues as coherently as their education will allow. The Successive Motion rule is necessary to provide a reasonable avenue of redress for those litigants who have faced structuring impediments; ineffective assistance of counsel and other significant reasons paupers have due to lack of resources.

Your time and patience is appreciated very much.

Thanks sincerely,


Mr. Todd Kelly-Bey
cc: File